IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.39 OF 2007

IN

SUIT NO.16 OF 2005

Mrs Dinaz F. Tavadia ...Petitioner

v/s

Mr Firdose J. Tavadia ...Respondent

Ms Karbhari i/b M/s K. Bhaktawar and Co. for Petitioner.

Respondent present in person.

CORAM : D.K. DESHMUKH J.

DATE : 4TH JUNE 2007.

P.C. :-

1. It is common ground that as per the order made by the Court, the respondent was liable to pay amount of Rs.7,000/- p.m. as maintenance from the month of January 2007. It is also an admitted position that the respondent has paid the amount of maintenance for the months of January / February / March / April and May 2007 at the rate of Rs.6,000/- p.m. Thus, the respondent has paid Rs.1,000/- short each month till May 2007. The respondent who is present in Court states that he will pay Rs.7,000/- as maintenance for the month of June 2007 on or before 10th June 2007. He further states that he will pay maintenance for the month of July 2007 at the rate of Rs.7,000/- on or before 10th July 2007 and he will pay the same amount for the month of August 2007 and he will continue to make the payment as per the order of the Court. He further states that so far as the arrears of maintenance i.e. Rs.5,000/- is concerned, he will make payment of that amount on or before 15th August 2007. In short, he undertakes to clear the amount of arrears by 15th August 2007. The undertaking given by the respondent is accepted. In my opinion, considering the relationship between he parties and the fact that the respondent has been substantially complying with the order and undertakes to comply with

the remaining part of the order, it will not be appropriate to proceed further in these proceedings. Contempt petition is disposed off. If any other part of the order has remained non-complied by the respondent, the petitioner shall be entitled to adopt appropriate proceedings.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.